

REMARKS

Reconsideration of this application as amended is respectfully requested.

Claims 1-40 are pending. Claims 1, 4, 5, 6, 22, 26, 28, 34 and 37 have been amended. Claim 2 has been canceled without prejudice. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicant submits that the amendments do not add new matter.

Rejections Under 35 U.S.C. § 101

Claims 1-40 were rejected under 35 U.S.C. § 101 because the claimed invention lacks patentable utility. The Examiner asserts that the presently claimed invention lacks utility based on the Examiner's experience with online auctions on eBay. However, the features of the present invention differ from the online auction facility of eBay. In particular, eBay displays to a potential bidder the time of auction closing and the time left until the auction closing. Both times are provided by the eBay server on the seller bidding page. In the present invention, in contrast, a potential bidder can rely on the clock at the bidder's computer, rather than the time displayed by the server. This provides several advantages. For example, the user of the present invention can be browsing some random websites and know with certainty how much time is left until the auction of interest ends based on the clock displayed on the user's computer, as opposed to eBay users that cannot rely on the clock displayed at their computers but have to be viewing the eBay seller page to know for sure how much time is left until the auction ends. In addition, the present invention provides a mechanism for accepting a bid of a user even if the user has encountered a connection problem while submitting a bid.

Accordingly, the Applicant respectfully submits that the presently claimed invention is useful and requests the withdrawal of the rejection under 35 U.S.C. §101.

Rejections Under 35 U.S.C. § 103

Claims 1-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rackson, et al, (U.S. Patent No. 6,415,270, hereinafter "Rackson").

Rackson discloses a multi-auction service system that replicates an item to be auctioned at multiple remote auction services.

Contrary to the presently claimed invention, Rackson does not teach or suggest at least causing a clock at a participant processor to be set to a bidder auction time that is calculated based on the time at an auction processor coupled to the participant processor via a communications network. This limitation is included in the following language of claim 1:

... determining a message travel time between a participant processor and an auction processor coupled to the participant processor via a communications network;
establishing a sponsor auction time at the auction processor;
calculating a bidder auction time by adding the message travel time to the auction processor time;
causing a clock at the participant processor to be set to the bidder auction time; and
accepting a bid at the auction processor only if the bid was sent prior to a predetermined end of bidding time.

Furthermore, Rackson lacks any suggestion that it should be modified in manner required to meet this limitation.


The above-referenced limitation is also included in independent claims 28, 34, 37 and 40. Accordingly, the present invention as claimed in claims 1, 28, 34, 37 and 40, and their corresponding dependent claims is patentable over Rackson. Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a) and submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: June 13, 2005

By: 
Marina Portnova
Reg. No. 45,750

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300